

April 12, 2005 AGENDA REPORTS

Agenda Item No. 5a

City of Wichita
City Council Meeting
April 12, 2005

Agenda Report No. 05-0325

TO: Mayor and City Council Members

SUBJECT: Petitions for Paving Improvements for Tyler's Landing Commercial Addition (south of 37th Street North, east of Tyler) (District V)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Petitions.

Background: The Petitions have been signed by five owners, representing 100% of the improvement districts.

Analysis: These projects will provide paving improvements to a new commercial development located south of 37th Street North, east of Tyler.

Financial Considerations: The Petitions total \$232,000. The funding source is special assessments.

Legal Considerations: State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Recommendation/Action: It is recommended that the City Council approve the Petitions and adopt the Resolutions.

Agenda Item No. 5b

City of Wichita
City Council Meeting
April 12, 2005

Agenda Report No. 05-0326

TO: Mayor and City Council Members

SUBJECT: Petition to construct a Lateral Sanitary Sewer in The Fairmont 3rd Addition (west of 127th St. East, north of 21st) (District II)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the new Petition.

Background: On December 7, 2004, the City Council approved a Petition to construct a lateral sanitary sewer in The Fairmont 3rd Addition. The Department of Water and Sewer has implemented a policy to collect a sewer main benefit fee from owners of property that have not been included in a sanitary sewer main improvement district. The fee can be paid by special assessments as part of a lateral sanitary sewer project. The Fairmont 3rd Addition has not been included in a sanitary sewer main improvement district. The developer has submitted a new Petition that includes the main benefit fee. The signature on the new Petition represents 100% of the improvement district.

Analysis: The project will serve a new residential development located west of 127th St. East, north of 21st.

Financial Considerations: The existing Petition totals \$131,000. The new Petition totals \$147,150. The funding source is special assessments.

Legal Considerations: State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Recommendation/Action: It is recommended that the City Council approve the new Petition and adopt the Resolution.

Agenda Item No. 5c

City of Wichita
City Council Meeting
April 12, 2005

Agenda Report No. 05-0327

TO: Mayor and City Council Members

SUBJECT: Petition to construct a Lateral Sanitary Sewer in Krug North and East Side Community Church 2nd Additions (north of 21st, west of 143rd St East) (District II)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the new Petition.

Background: On April 20, 2004, the City Council approved a Petition to construct a lateral sanitary sewer in Krug North and East Side Community Church 2nd Additions. The Department of Water and Sewer has implemented a policy to collect a sewer main benefit fee from owners of property that have not been included in a sanitary sewer main improvement district. The fee can be paid by special assessments as part of a lateral sanitary sewer project. Krug North and East Side Community Church 2nd Additions have not been included in a sanitary sewer main improvement district. The developer has submitted a new Petition that includes the main benefit fee. The signatures on the new Petition represent 100% of the improvement district.

Analysis: The project will serve a new residential development and church building located north of 21st, west of 143rd St. East.

Financial Considerations: The existing Petition totals \$107,000. The new Petition totals \$150,400. The funding source is special assessments.

Legal Considerations: State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Recommendation/Action: It is rec

Recommended that the City Council approve the new Petition and adopt the Resolution.

Agenda Item 8a

City of Wichita
City Council Meeting
April 12, 2005

Agenda Report No. 05-0328

TO: Mayor and City Council Members

SUBJECT: Contract for Management of Food Services

INITIATED BY: Department of Finance

AGENDA: Consent

Recommendation: Approve contract.

Background: The City Hall Cafeteria operated from the time City Hall first opened in November 1975 through the current year, except for a brief period from 1996 through January 1998. The current operator J&D Group (dba City Bistro) opened in January, 1998. The current contract provides a management fee or subsidy of \$1,250 per month with the City obligated for custodial and maintenance of City-owned equipment. The City Bistro's contract expires as of April 30, 2005 with the option to renew for one additional year.

Analysis: J& D Group (Bistro) is requesting an increase in their monthly management payment of \$1,250 to \$2,500 per month with the City continuing the custodial and maintenance.

The Bistro has not been able to maintain the level of business needed to continue a viable business without an increase in the management payment. Under this proposal, the City Bistro would continue its current lunch menu (includes a hot bar with daily entrees) and variety of vegetables, grilled sandwiches, soup bar, salad bar, wrap bar, dessert bar, deli sandwich bar and snack stations along with a full breakfast menu which includes hot and cold selections with a full breakfast menu which includes hot and cold selections.

The Bistro provides a convenient place for employees (and visitors) to have breakfast/lunch. It has some advantages of saving employee's time from going out to lunch and is looked upon as an employee benefit offered by the employer.

Legal Considerations: The Law Department will review and approve the contract as to form.

Financial Considerations: Under the terms of the agreement, the City's annual base commitment would not exceed \$30,000, excluding custodial and any maintenance costs. The funds will be included in the revised budget.

Recommendations/Actions: It is recommended the City Council approve to increase the monthly management payment to \$2,500 per month (\$30,000 annually) and amend the contract with J&D Group, Inc. (dba City Bistro) for a period of one year.

Agenda Item 8b

City of Wichita
City Council Meeting
April 12, 2005

Agenda Report No. 05-0329

TO: Mayor and City Council Members

SUBJECT: Laser Printer – Selection of Vendor

INITIATED BY: IT/IS Department

AGENDA: Consent

Recommendation: Approve Contract

Background: The City purchases Laser Printer hardware through a bid process based on each requirement. To secure volume pricing/discounts, staff explored securing a master contract for Laser printer purchases this year. It was determined that optimal pricing could be attained by awarding a contract to a single vendor.

Analysis: A competitive Request for Proposal (FP400109) for computer equipment and maintenance was posted and 8 responses were received. A staff screening and selection committee reviewed and evaluated the proposals based on the criteria set forth in the Request for Proposal. Interviews were held with the three finalists before a decision was reached.

The product quality and functionality of the proposed printers were very similar. However, Dell Computer Corporation offered the lowest priced printers with the lowest operating cost. Three year onsite technical support is included and extensive purchasing and technical support are available online.

Financial Considerations: Laser printers purchases are within departmental operating budgets and the annual total is expected not to exceed \$50,000.

Legal Considerations: The Law Department is currently reviewing and will approve the contracts as to form. The contract will be for one year with an annual renewal options for an additional two years.

Recommendation/Action: It is recommended that the City Council approve the contract, and authorize the necessary signatures.

Agenda Item 8c

City of Wichita
City Council Meeting
April 12, 2005

Agenda Report No. 05-0338

TO: Mayor and City Council

SUBJECT: Transportation Services Agreement – AirTran Airways, Inc.

INITIATED BY: City Manager’s Office

AGENDA: Consent

Recommendation: Approve the contract.

Background: On February 28, 2002, the City Council entered into a two-year revenue guarantee agreement with AirTran Airways. AirTran was to provide airline service to Atlanta and Chicago with Boeing 717 aircraft, effective May 8, 2002. A revenue guarantee based upon costs of service was established with a cap of \$3 million the first year and \$1.5 million the second year. On May 10, 2004, the City Council approved a one-year extension of the AirTran revenue guarantee agreement, until May 7, 2005, with a cap of \$2.5 million. AirTran is desirous of entering into an additional one-year revenue guarantee agreement with the City of Wichita, under the conditions outlined below.

Analysis: The presence of AirTran and their corresponding pricing structure has had a significant impact on airfares at Wichita Mid-Continent Airport, contributing to a 30% overall reduction in airfares and a corresponding 33% increase in passengers. It is estimated that the savings to the air travelers using Wichita Mid-Continent Airport as a result of the presence of AirTran exceeds \$85 million dollars.

The proposed new agreement calls for a minimum of three daily round trips to AirTran’s Atlanta hub using 117-passenger Boeing 717s, beginning on June 7, 2005 and continuing

for the term of the agreement, plus one weekly flight to Orlando. In place of a specified-dollar cap, the new agreement includes a termination provision that allows the City to unilaterally terminate the agreement with 75-days written notice when the City determines that the funding appropriated for revenue guarantee payments will run out. In addition, under the new agreement, the City will receive credit for any profits AirTran makes during a monthly accounting period, to offset any later revenue guarantee payments that may be required as a result of non-profitable months.

Sedgwick County and the Wichita Area Chamber of Commerce have joined in the effort to secure affordable air service a Wichita Mid-Continent Airport on a permanent, sustainable basis. Sedgwick County will consider entering into an inter-local agreement with the City to provide additional funding for the revenue guarantee payments, in the event the City's funding is depleted. The Chamber of Commerce is working on an enhanced frequent flyer program that will provide attractive incentives to encourage greater patronage of AirTran flights by business travelers using Mid-Continent Airport.

Financial Considerations: The agreement calls for a revenue guarantee (a guarantee that AirTran will break even financially on the Atlanta route) paid monthly if there are demonstrated losses, after netting out any prior profits on the Atlanta route. The goal is for AirTran to become profitable in the market. Funding for the 2005 revenue guarantee agreement will come from funds transferred to the Economic Development Fund from the Landfill Post Closure Fund and the General Fund appropriated reserves (if required) in the amount of \$2.5 million. Supplemental funding is anticipated from Sedgwick County in the amount of \$1 million, pursuant to an inter-local agreement.

Legal Considerations: The contract has been approved as to form by the Department of Law.

Expending these funds from the Economic Development Fund will require the Fund to be amended (re-certified) with the State of Kansas, pursuant to 79-2929a. By the short-term utilization of contingencies in the Economic Development Fund and other funds, this re-certification process can be scheduled in August, in conjunction with the adoption of the annual budget or earlier if required.

Recommendations/Actions: It is recommended that the City Council approve the contract, authorize the necessary budget transfers and authorize the necessary signatures.

Agenda Item No. 9a

CITY OF WICHITA
City Council Meeting
April 12, 2005

Agenda Report No. 05-0330

TO: Mayor and City Council Members

SUBJECT: Acquisition of Part of 6321 E. Central for Central: Oliver to Woodlawn
(District I and II)

INITIATED BY: Office of Property Management

AGENDA: Consent

Recommendation: Approve the acquisition.

Background: On November 4, 2003 City Council approved a project to improve Central, between Oliver and Woodlawn. The improvement plans call for partial acquisitions of seven parcels. One of the required parcels is located at 6321 E. Central. The acquisition of 6321 Central requires an 803.3 square foot strip of land. The property is owner occupied by World Savings Bank on an 24,829.2 square foot site

Analysis: The building improvements, other than their sign in the proposed right-of-way, will not be impacted by this acquisition. The property owner of 6321 E. Central has agreed to accept \$23,840.00. \$9,179 for the acquisition; \$1,946 for the temporary easement and \$12,715.00 is the replacement cost of their current monument sign.

Financial Considerations: The funding source for the City share of the project is General Obligation Bonds with Federal monies. A budget of \$24,590 is requested. This includes \$23,840 for the acquisition and \$750 for closing costs and title insurance.

Legal Considerations: The Law Department has approved the contracts as to form.

Recommendation/Action: It is recommended that the City Council; 1) Approve the Budget; 2) Approve the Real Estate Purchase Contracts; and 3) Authorize all necessary signatures.

Agenda Item No. 9b

CITY OF WICHITA
City Council Meeting
April 12, 2005

Agenda Report No. 05-0331

TO: Mayor and City Council Members

SUBJECT: Acquisition by Eminent Domain of a Tract Required for the Improvement of Central Avenue from Oliver to Woodlawn (Districts I and II)

INITIATED BY: Office of Property Management

AGENDA: Consent

Recommendation: Adopt resolution and approve and place on first reading the ordinance providing for the acquisition by eminent domain of certain real property.

Background: On November 4, 2003, the City Council approved a project to improve Central between Oliver and Woodlawn. The project will require the acquisition of several parcels of land and easements. One of the required acquisitions is a 266 square foot corner clip and two temporary easements from the property at 6402 East Central. The parcel has 15,625 square feet and is improved with a 2,611 square foot concrete block facility. It is currently configured for automobile service. The acquisition does not physically impact the building, although one drive off of Woodlawn will be closed.

Analysis: City staff has been attempting to negotiate a purchase of the identified property but has been unable to reach an agreement with the owner. The acquisition was appraised at \$11,550. This amount includes payment for the land plus compensation for the temporary easements. The owner has rejected the offer but has not presented a counter proposal. Staff will continue to negotiate with the owners, but due to the lack of a counter offer, eminent domain proceedings need to be initiated.

Financial Considerations: The cost of this acquisition will be paid for by the City at large.

Legal Considerations: The Law Department has approved the resolution and ordinance as to form.

Recommendation/Action: Adopt the resolution and place the ordinance providing for the acquisition by eminent domain of certain real property and directing the City Attorney to file the appropriate proceedings in the District Court to accomplish such acquisition, on first reading.

Agenda Item No. 11

CITY OF WICHITA
City Council Meeting
April 12, 2005

Agenda Report No. 05-0332

TO: Mayor and City Council Members

SUBJECT: Approval of Lease of City Property at 701 West Harry (District IV)

INITIATED BY: Office of Property Management

AGENDA: Consent

Recommendation: Approve the lease.

Background: On April 8, 1987, the City leased the City-owned facility located at 701 West Harry to the Board of County Commissioners of Sedgwick County for use as a detention facility. The lease called for annual rental of one dollar per year and a ten year term with two five year options. The County exercised the first option in 1997 but did not give timely notice to exercise the second option. They have occupied the facility on a month-to-month basis since the end of the first option period.

Analysis: Several sections in the prior lease are outdated or unclear. Because of this, a new lease was drafted. All major items in the lease, including maintenance responsibilities, insurance and liability requirements, disposition of the property at lease termination, use of the property, etc. remain unchanged. The new lease has a five year term with two five year options. The new lease was approved by the Board of County Commissioners at their March 23rd., 2005 meeting.

Financial Considerations: The financial details of the prior lease are unchanged.

Legal Considerations: The Law Department has approved the lease as to form.

Recommendation/Action: It is recommended that the City Council approve the lease, and authorize necessary signatures.

Agenda Item No. 13

City of Wichita
City Council Meeting
April 12, 2005

Agenda Report No. 05-0333

TO: Mayor and City Council

SUBJECT: VAC2004-00036 Request to vacate a platted waterline easement, generally located south of Pawnee Avenue, northeast of the Marion Street & Broadway Avenue intersection.

(District III)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Staff Recommendation: Approve

MAPC Recommendation: Approve (Unanimously)

Background: The applicant proposes vacation of the platted 10-foot water easement located on Lot 6, Block A, a Replat of Part of the Kinkaid Park Addition. There is an existing waterline in the platted 10-foot waterline easement. The applicant has moved the existing water line for redevelopment of the site and dedicated easement by separate instrument to cover the relocated water line. The site is part of CUP DP-43. The Replat of Part of the Kinkaid Park Addition was recorded December 24, 2003.

Analysis: The MAPC voted to approve (11-0) the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

Financial Considerations: None.

Legal Considerations: A certified copy of the Vacation Order and an easement dedicated by separate instrument will be recorded with the Register of Deeds.

Recommendation/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures.

Agenda Item No. 14

City of Wichita
City Council Meeting
April 12, 2005

Agenda Report No. 05-0334

TO: Mayor and City Council

SUBJECT: VAC2005-00003 Request to vacate a platted utility easements, generally located northeast of the Ridge Road – Kellogg Drive intersection, more specifically southwest of the University Avenue – Emerson Street intersection.
(District V)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Staff Recommendation: Approve

MAPC Recommendation: Approve (Unanimously)

Background: The applicant is requesting consideration to vacate a platted 20-foot utility easement located between Lots 2 & 3 (10-foot on each lot) and portion of the northeast corner of Lot 4, all in Block A, the Ridge Plaza 8th Addition. There are no franchised utilities, manholes, sewer or water lines in the easement, nor is there a future need for the easement. The Ridge Plaza 8th Addition was recorded with the Register of Deeds April 15, 1982.

Analysis: The MAPC voted to approve (11-0) the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

Financial Considerations: None.

Legal Considerations: A certified copy of the Vacation Order and a restrictive covenant will be recorded with the Register of Deeds.

Recommendation/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures.

AGENDA ITEM NO. 15

City of Wichita
City Council Meeting
April 12, 2005

Agenda Report No. 05-0335

TO: Mayor and City Council

SUBJECT: VAC2005-00004 Request to vacate a platted contingent dedication of street right-of-way, generally located west of Holland Lane and north of Kellogg Drive. (District V)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Staff Recommendation: Approve

MAPC Recommendation: Approve (Unanimously)

Background: The applicant is requesting vacation of the platted contingent dedication of street right-of-way (ROW), as dedicated on the Ridge Plaza 4th Addition. The Ridge Plaza 4th Addition was recorded with the Register of Deeds July 23, 1973. The plat at the time of its recording showed a contingent dedication of street ROW extending from Holland Lane to Woodchuck Lane. A portion of the Ridge Plaza 4th Addition was replatted as the Woodchuck Villas Addition and was recorded with the Register of Deeds October 9, 1978. The replat vacated the western portion of the contingent dedication of street ROW, causing the remaining contingent dedication of street ROW in the Ridge Plaza 4th Addition to become a dead end. A subsequent replat of the Woodchuck Villas Addition into the Woodchuck Villas 2nd Addition did not reinsert the ROW to its original Woodchuck Lane intersection, thus the remaining contingent dedication of street ROW in the Ridge Plaza 4th Addition remains a dead end. The site is in CUP DP-37.

Analysis: The MAPC voted to approve (11-0) the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

Financial Considerations: None.

Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Recommendation/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures.

Agenda Item No. 16

City of Wichita
City Council Meeting
April 12, 2005

Agenda Report No. 05-0336

TO: Wichita Airport Authority

SUBJECT: Contract for Management of Parking Facilities at Mid-Continent Airport

INITIATED BY: Airport Department

AGENDA: Wichita Airport Authority (Consent)

Recommendation: Approve the contract.

Background: The public parking lots at Mid-Continent Airport gross approximately \$4,000,000 annually. The management contract structure under which the public and employee lots have been operated since 1996 provides for expense reimbursement to the parking management firm amounts necessary to operate the lots plus a management fee to cover administrative expenses such as insurance and profit. The current five-year contract with AMPCO System Parking will end on April 30, 2005.

Analysis: A Request for Proposal was published to which three responses were received. After reviewing the responses and conducting in-person interviews, the Staff Screening and Selection Committee selected AMPCO System Parking to provide the services. The company brings extensive experience in the operation of airport parking lots with shuttle service, presented innovative ideas and is poised to team with the Airport to address the parking program during the construction of the new terminal. As required by Administrative Regulation 1.2, the City's internal auditor and the City Manager have reviewed the selection process and documentation.

Financial Considerations: The contract is for three years with two one-year options. The total management fee for the five-year period is \$369,422 ranging from \$61,000 - \$95,000 per year payable monthly in arrears. The Director of Airports approves annual parking expense budgets for reimbursement.

Legal Considerations: The Law Department has approved the contract as to form.

Recommendations/Actions: It is recommended that the Wichita Airport Authority approve the contract and authorize necessary signatures.

Agenda Item No. 17

City of Wichita
City Council Meeting
April 12, 2005

Agenda Report No. 05-0337

TO: Wichita Airport Authority

SUBJECT: Administration Building HVAC Improvements
Wichita Mid-Continent Airport

INITIATED BY: Airport Department

AGENDA: Wichita Airport Authority (Consent)

Recommendation: Approve the supplemental agreement.

Background: On April 1, 2003 the Wichita Airport Authority approved an agreement with Howard and Helmer for professional design services related to the upgrade the Airport Administration HVAC system.

Analysis: A supplemental agreement with Howard and Helmer Architects has been prepared for construction-related services during this project.

Financial Considerations: The consulting services will cost \$2,300 and are within the project budget. The services will be funded with General Obligation Bonds paid with Airport revenue.

Legal Considerations: The Law Department has approved the contract.

Recommendations/Actions: It is recommended that the Wichita Airport Authority approve the supplemental agreement and authorize the necessary signatures.